



FH

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MGE/166205

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**PRELIMINARY RECITALS**

Pursuant to a petition filed May 21, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on June 19, 2015, at Chippewa Falls, Wisconsin.

The issue for determination is whether the petitioner is entitled to reimbursement for medical mileage.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Tip Pom, (written submission)  
Division of Health Care Access and Accountability  
Madison, WI

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner is a resident of Chippewa County.
2. The department has not paid the petitioner for medical trips taken on December 24, 27, and 31, 2014; January 2, 7, 9, 14, 16, 21, 23, 27, and 30, 2015; and February 6, 2015.
3. The petitioner submitted trip logs for the trips listed in *Finding of Fact #2* repeatedly and within 60 days of the dates of the services.

## DISCUSSION

Medical assistance reimburses medical travel for eligible recipients if they obtain prior authorization. Wis. Admin. Code, § DHS 107.23. The petitioner uses these services frequently. The petitioner contends that she has not been reimbursed for a number of her trips. The Division of Health Care Access and Accountability indicated that many of these trips have now been paid for, but that others were denied because she did not submit her trip logs within 60 days. The agency did not provide any legal authority for denying payment after 60 days. There is no such requirement in §107.23, so if it is anywhere it is probably in the agency's guidelines. Regardless, the petitioner testified credibly that she has submitted these logs five different times and still has not been reimbursed. The Division did not submit any evidence to back up its claim. I will accept the petitioner's statement and order the agency to reimburse the petitioner for each of the trips listed in *Finding of Fact #2*. In addition, it must verify that it has made all of the other payments it claims to have made in its June 5, 2015, letter to the petitioner.

## CONCLUSIONS OF LAW

The petitioner is entitled to reimbursement for the medical trips discussed in this decision.

**THEREFORE, it is**

## ORDERED

That this matter is remanded to the Division of Health Care Access and Accountability with instructions that within 10 days of the date of this decision it reimburse the petitioner for all of the trips listed in *Finding of Fact #2*. The Division shall also document and certify within 10 days of the date of this decision that it has also made all of the other payments it claims to have made in its June 5, 2015, letter to the petitioner.

## **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

## **APPEAL TO COURT**

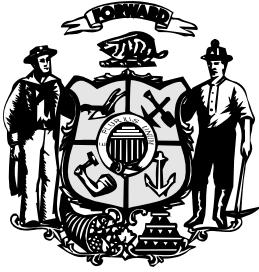
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 30th day of July, 2015

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\sMichael D. O'Brien  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on July 30, 2015.

Division of Health Care Access and Accountability  
[Soktheap.Pom@dhs.wisconsin.gov](mailto:Soktheap.Pom@dhs.wisconsin.gov)